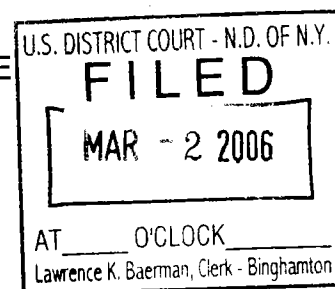


IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK



FRANCIS G. SERJEANTS, and MARIANNE
SERJEANTS, his Wife,

Plaintiffs,

-against-

ORDER

Case No: 3:04-CV-1305
TJM/DEP

UNITED HEALTH SERVICES HOSPITALS, INC
Mitchell Ave., Binghamton, NY 13901, WILSON
MEMORIAL HOSPITAL, INC

Defendants.

A motion having duly been made by the above named defendant for an order granting it summary judgment and partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, on the ground that there is no genuine issue as to any material fact, and that the defendant is entitled to judgment as a matter of law, and the said motion having duly come on to be heard before me on the 27th day of January, 2006,

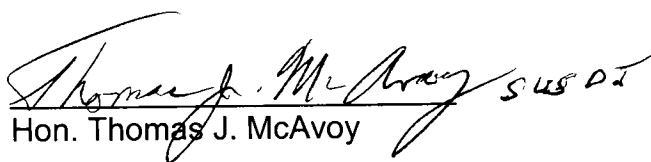
NOW, upon reading and filing the notice of motion dated the 30th day of November, 2005, and the affidavits of Thomas A. Saitta, Esq., sworn to the 30th day of November, 2005, and Dr. Kevin Geary, sworn to the 22nd day of November, 2005 submitted in support of said motion, and the affidavits of Laurence Kelly, Esq., and Dr. Scott Garberman, sworn to the 12th day of December 2005, in opposition thereto, and upon all other papers and proceedings heretofore had herein, and after hearing Thomas A. Saitta, Esq. attorney for the defendant, in support of the motion and

Laurence Kelly, Esq., in opposition thereto, and due deliberation having been had thereon, it is

ORDERED that Plaintiff's claim for punitive damages is hereby dismissed, and, it is further;

ORDERED that the Defendant's motion for summary judgment is denied in all other respects.

Dated this 2nd day of March, 2006 at Binghamton, New York


Hon. Thomas J. McAvoy